UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/138,807	08/21/1998	RAMANATHAN RAMANATHAN	INTL-0083-US	4545

21906 7590 10/23/2002

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2611	6

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/138,807	RAMANATHAN, RAMANATHAN	
	Examiner	Art Unit	
	Jason P Salce	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 2-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 2-8 and 10-22 is/are rejected.

7)☒ Claim(s) 9 and 23 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on 09 July 2002 is: a)☒ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-8, and 10-22 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 7/9/02 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 10-11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent No. 6,173,271) in view of Masaki et al. (U.S. Patent No. 6,356,309).

Referring to claim 11, Goodman discloses setting a first marker in the video transmission (Column 5, Lines 11-20). Goodman also discloses tracking the transmission after the first marker (Column 7, Lines 25-33 and Column 8, Lines 50-54). Goodman also discloses reporting the transmission (Column 5, Lines 57-67). Goodman fails to disclose providing an on-going count of bits transmitted and time elapsed from

the point in time when the first marker is transmitted. Masaki teaches providing a bit counter and the time elapsed (constant period of time T) from the point in time when a video transmission with a marker (coded data) is transmitted (see Column 36, Lines 17-40, Column 73, Lines 54-59, and Column 74, Lines 13-20 and Lines 42-47). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the television advertising system, as taught by Goodman, using the bit counting portion 151b, as taught by Masaki, for the purpose of achieving correct quantization control and frame dropping control on the basis of the communication throughput (Column 74, Lines 47-50 of Masaki).

Claim 10 corresponds to claim 11 with the additional limitation of a login server, reporting a transmission to the server and allowing a third party to access the server to receive transmission reporting. Goodman discloses that advertisers can sign-in to a central server to develop reports from information provided by the advertiser (Column 5, Lines 57-67).

Referring to claim 16, see rejection of claim 11.

4. Claims 2-8, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent No. 6,173,271) in view of Masaki et al. (U.S. Patent No. 6,356,309) in further view of Miller (U.S. Patent No. 6,064,438).

Referring to claim 2, Goodman and Masaki discloses all of the limitations in claim 11, but fails to teach receiving web content transmissions and accompanying television broadcasts from a content provider. Miller discloses receiving web content within a program packet (Column 8, Lines 16-18, Lines 34-36, and Lines 45-47). At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to modify the ADTAG packet transmitted by the television advertising system (with bit counter), as taught by Goodman and Masaki, using the web content data embedded into data packets, as taught by Miller, for the purpose of providing a useful, descriptive and other program or non-program related information that may be transmitted along with the video signal (Column 2, Lines 41-45 of Miller).

Claim 3 corresponds to claim 2, with the additional limitation of receiving a web content broadcast with a first maker inserted and combining the web content with the television broadcast. Miller discloses combining the packet containing the marker and web content with the television broadcast content (Column 8, Lines 45-47).

Claim 4 corresponds to claim 2, with the additional limitation of receiving the web content from a content provider and inserting the first marker at the broadcast encoder. Miller discloses status information that is provided by the encoder consisting of a first marker and web broadcast content (Column 6, Lines 5-21 and Column 8, Lines 16-50).

Claim 5 corresponds to claim 1, with the additional limitation of invoking a method, which provides a handle to a first marker. Miller discloses a field preceding program packets for identifying a marker used for activation and synchronization of devices (Column 8, Lines 47-56 and Figure 12).

Claim 6 corresponds to claim 5, with the additional limitation of invoking a method, which obtains current transmission details using a handle. Miller discloses methods for retrieving transmission details using an Opcode handle 807 (Column 7, Lines 9-17).

Claim 7 corresponds to claim 6, with the additional limitation of providing a second marker and second handle associated with the second marker. Miller discloses that multiple markers are sent, and that each marker contains a handle (Column 8, Lines 40-56).

Claim 8 corresponds to claim 7, with the additional limitation of terminating a handle after a method has finished processing. Miller discloses sending a result code to the client application after a method has been called. It would have been obvious to "terminate" the handle for the purpose of releasing the pointer memory used to store the handle that has already served its computational purpose.

Claim 17 corresponds to claim 16, see rejection of claim 2.

Claim 18 corresponds to claim 17, see rejection of claim 3.

Claim 19 corresponds to claim 16, see rejection of claim 5.

Claim 20 corresponds to claim 19, see rejection of claim 6.

Claim 21 corresponds to claim 20, see rejection of claim 7.

Claim 22 corresponds to claim 21, see rejection of claim 8.

5. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takasu (U.S. Patent No. 6,279,157) in view of Masaki et al.

Referring to claim 12, Takasu discloses an encoder that combines different transmissions (Column 2, Lines 5-7). Takasu also discloses a device that sets a first marker in the transmission signal (Column 2, Lines 3-4). Takasu fails to disclose a counter that tracks the transmission from the point where the first marker was inserted. Masaki teaches providing a bit counter and the time elapsed (constant period of time T)

from the point in time when a video transmission with a marker (coded data) is transmitted (see Column 36, Lines 17-40, Column 73, Lines 54-59, and Column 74, Lines 13-20 and Lines 42-47). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the program data transmission system (particularly the decoding means taught in claim 1), as taught by Takasu, using the using the bit counting portion 151b, as taught by Masaki, for the purpose of achieving correct quantization control and frame dropping control on the basis of the communication throughput (Column 74, Lines 47-50 of Masaki).

Claim 13 corresponds to claim 12, with the additional limitation of the encoder being coupled to a content provider. Takasu discloses this limitation at Column 3, Lines 42-56 and Column 4, Lines 19-26 and Figure 1 (see server system and external input terminal 30).

Claim 14 corresponds to claim 13, with the additional limitation of the encoder setting the first marker in the video transmission. Takasu teaches this limitation in claim 1 (see encoding means).

Claim 15 corresponds to claim 13, with the additional limitation of a content provider providing the first marker in the video transmission. Takasu teaches this limitation at Column 4, Lines 19-37 and Figure 1 (see external input terminal 30).

Allowable Subject Matter

6. Claims 9 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

October 15, 2002

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600